

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOAN PASINI, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

FISHS EDDY, LLC (d/b/a Fishs Eddy),

Defendant.

Case No.: 1:16-cv-00354-PGG

Hon. Paul G. Gardephe

**NOTICE OF MOTION AND
PLAINTIFF'S UNOPPOSED MOTION
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE THAT on November 15, 2018, at 10:00 a.m., before the Honorable Paul G. Gardephe in Courtroom 705, located at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, Plaintiff, Joan Pasini, on behalf of herself and on behalf of the proposed Settlement Class, will and hereby does move the Court, pursuant to Federal Rules of Civil Procedure Rule 23, for an Order granting final approval of the proposed class action settlement on the terms and conditions set forth in the Stipulated Settlement Agreement and Release ("Settlement" or "Agreement"), a copy of which is attached to the Declaration of Chant Yedalian as Exhibit 1.¹

Plaintiff further moves the Court for an Order:

1. Confirming its previous findings that the requirements for class certification, for settlement purposes, are satisfied;
2. Certifying the Settlement Class for settlement purposes;
3. Appointing Plaintiff Joan Pasini as the Class Representative for the Settlement Class;
4. Appointing attorneys Chant Yedalian of Chant & Company A Professional Law Corporation and Charles J. LaDuca and Peter Gil-Montllor of Cuneo Gilbert & Laduca, LLP as Class Counsel for the Settlement Class;
5. Appointing Atticus Administration, LLC as the Settlement Administrator to administer the Settlement;

¹ Capitalized terms shall have the same meanings as in the Agreement, unless indicated otherwise.

6. Finding that the Settlement is fair, adequate and reasonable and complies with Rule 23(e) of the Federal Rules of Civil Procedure;
7. Finding that the notice of Settlement directed to the Settlement Class has been completed in conformity with the Court's orders;
8. Binding all Settlement Class members who did not timely exclude themselves from the Settlement to the Agreement, including the release contained in paragraph 18 of the Agreement;
9. Directing the Parties and Settlement Administrator to effectuate all terms of the Agreement;
10. Providing that each of the Parties is to bear its own fees and costs except as expressly provided in the Agreement or in the Court's order(s) on Motion For Award Of Attorneys' Fees And Costs To Class Counsel And Incentive Payment To The Class Representative; and
11. Dismissing the action with prejudice in accordance with the terms of the Agreement; however, the Court shall retain continuing jurisdiction: (i) to decide the Motion For Award Of Attorneys' Fees And Costs To Class Counsel And Incentive Payment To The Class Representative and make and enter an order(s) wherein the Court will determine the amount of attorneys' fees and costs to award to Class Counsel and the amount of the incentive payment to award to the Class Representative, and (ii) to interpret, implement and enforce the Settlement, and all orders and judgment entered in connection therewith.

This Motion is based upon this Notice of Motion and Motion, the Declarations, Exhibits and other documents filed concurrently in support thereof, the papers and pleadings on file in this

action, and upon such other and further evidence as the Court may adduce in ruling on this Motion.

Date: October 15, 2018

Respectfully submitted,

/s/ Chant Yedalian

Chant Yedalian (*pro hac vice*)

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